

## Denise Buckley

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**From:** Denise Buckley  
**Sent:** Wednesday, October 11, 2017 5:23 PM  
**To:** 'Leo Glickman'  
**Subject:** RE: Sanctions motion

Leo,

If you intend to proceed with your sanctions motion, I believe you are required to request a conference with the court before filing it. Please note I am going to be out of the office from Oct 17<sup>th</sup> through Oct 27<sup>th</sup>, so the conference will have to be some time before Wednesday Oct 18<sup>th</sup>.

Best regards,

### Denise Buckley | Assistant Attorney General

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**From:** Leo Glickman [mailto:[lglickman@stollglickman.com](mailto:lglickman@stollglickman.com)]  
**Sent:** Wednesday, October 11, 2017 3:23 PM  
**To:** Denise Buckley <[Denise.Buckley@ag.ny.gov](mailto:Denise.Buckley@ag.ny.gov)>  
**Subject:** RE: Sanctions motion

I am sorry Denise, I am done making concessions to you and your clients. Read my sanctions motion. If he will not appear in Albany for the deposition, I will include retain it in the motion. He is a defendant in this case and as such has an obligation to appear. I will remove the part compelling Kirkpatrick to appear from the motion, should your office decline to reimburse the plaintiff for your office's and your clients' bad faith conduct in this litigation.

Leo Glickman  
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**From:** Denise Buckley [<mailto:Denise.Buckley@ag.ny.gov>]  
**Sent:** Wednesday, October 11, 2017 2:42 PM  
**To:** Leo Glickman  
**Subject:** RE: Sanctions motion

Leo,

I have spoken with Supt Kirkpatrick and Supt Racette about their availability to attend depositions on Oct 24<sup>th</sup> and 25<sup>th</sup>, two dates you proposed (or, to put it more accurately, demanded) for the first time last Friday.

Supt Kirkpatrick is available to appear in Albany for his deposition at 1pm on Oct 24<sup>th</sup>.

Although it entails significant personal hardship, retired Supt Racette can arrange to make himself available to appear in Plattsburgh at 1pm on Oct 25<sup>th</sup>. When you insisted on postponing Supt Racette's deposition last July, we rescheduled his deposition to Oct 5<sup>th</sup> on the basis that it was subject to cancellation and would be conducted in Plattsburgh via telephone link up because of his personal circumstances. I am attaching a copy of my July 27, 2017 e-mail to you to refresh your recollection. If you cannot arrange to travel to Plattsburgh for his deposition on Oct 25<sup>th</sup>, we can arrange for video link up between the Plattsburgh office and our office here in Albany.

Please let me know how you propose to proceed on Oct 25<sup>th</sup>. I will need to know as soon as possible if a video link up is required.

Best regards,

**Denise Buckley | Assistant Attorney General**

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**From:** Leo Glickman [<mailto:lglickman@stollglickman.com>]  
**Sent:** Tuesday, October 10, 2017 6:10 PM  
**To:** Denise Buckley <[Denise.Buckley@ag.ny.gov](mailto:Denise.Buckley@ag.ny.gov)>; Adrienne Kerwin <[Adrienne.Kerwin@ag.ny.gov](mailto:Adrienne.Kerwin@ag.ny.gov)>  
**Subject:** Sanctions motion

Attached is a draft of plaintiff's memo of law and declaration that we will file with the court if we cannot come to a satisfactory resolution regarding these matters. Attached also are the exhibits.

Please let me know what you think and if we cannot come to agreement if you would consent to an expedited process related to the motion. Please contact me by the close of business, October 12.

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